

Notice of Allowability	Application No.	Applicant(s)	
	08/908,453	RUVKUN ET AL.	
	Examiner	Art Unit	
	Peter Paras, Jr.	1632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the appeal brief filed on 12/1/2005.
2. ☒ The allowed claim(s) is/are 8, 10-13, 15, 16, 19 and 20 (renumbered as 1-9).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 2202006.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

This office action is response to the appeal brief filed on 12/1/05. Claims 1-8, 10-16 and 19-28 are pending.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings filed on 8/7/1997 have handwritten text. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: priority to provisional application 60/023,382 has been claimed under the incorrect statute (35 USC 120). Priority to a provisional application must be claimed under 35 USC 119(e).

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen Elbing on 2/16/2006.

The specification has been amended as follows:

At page 1, at line 6, immediately following 1996, the phrase "now abandoned" was added.

In the claims:

Claims 1-7, 14 and 21-28 are cancelled. **Claims 8, 10-13, 15-16 and 19-20 are allowed.**

Claim 11 has been rewritten as follows:

11. An isolated cell comprising the purified and isolated AGE-1 DNA of claim 8.

Claim 15 has been rewritten as follows:

15. A method of identifying an AGE-1 modulatory compound that is capable of decreasing the expression of an AGE-1 gene, said method comprising the steps of:

(a) providing a nematode cell expressing its endogenous AGE-1 DNA;

- (b) contacting said nematode cell with a candidate compound;
- (c) isolating a sample from said nematode cell after contacting; and
- (d) measuring AGE-1 gene expression in said sample, wherein a decrease in AGE-1 gene expression in said sample isolated from said nematode cell following contact with said candidate compound, compared to AGE-1 gene expression in a sample isolated from a nematode cell that is not contacted with said candidate compound, identifies said candidate compound as a compound that is capable of decreasing AGE-1 gene expression.

Claim 16 has been rewritten as follows:

16. A method of identifying an AGE-1 modulatory compound that is capable of decreasing AGE-1 PI-3 kinase activity, said method comprising the steps of:

- (a) providing a cell expressing the AGE-1 polypeptide of claim 8;
- (b) contacting the cell with a candidate compound;
- (c) isolating a sample from said nematode cell after contacting; and
- (d) measuring PI-3 kinase activity in said sample, wherein a decrease in AGE-1 PI-3 kinase activity in said sample isolated from said nematode cell following contact with said candidate compound, compared to AGE-1 PI-3 kinase activity in a sample isolated from a nematode cell that is not contacted with said candidate compound, identifies said candidate compound as a compound that is capable of decreasing AGE-1 PI-3 kinase activity.

Art Unit: 1632

Claim 19 has been amended as follows:

A period has been added at the end of the claim.

Art Unit: 1632

The following is an examiner's statement of reasons for allowance: The instant application is found allowable over the prior art because the prior art does not teach or suggest the isolated DNA sequence encoding the amino acid sequence of the AGE-1 polypeptide as set forth in SEQ ID NO: 1; the nucleotide sequence set forth in SEQ ID NO: 2 is free of the prior art. The amino acid sequence of the AGE-1 polypeptide as set forth in SEQ ID NO: 1 is also free of the prior art. Moreover, a sequence search conducted by the Office revealed that the sequences of Swinburne do not teach or suggest the AGE-1 sequences set forth in SEQ ID NO: 1 or SEQ ID NO: 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 1632

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Paras, Jr. whose telephone number is 571-272-4517. The examiner can normally be reached on M-Th, 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

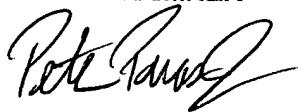
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Inquiries of a general nature or relating to the status of the application should be directed to Dianiece Jacobs whose telephone number is (571) 272-0532.

Peter Paras, Jr.

Art Unit 1632

**PETER PARAS, JR.
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read "Pete Paras", written over the printed name and title.